

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

<p>DeANDRE D. HARRIS,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>CALVIN JOHNSON, <i>et al.</i>,</p> <p style="text-align: center;">Respondents.</p>	<p>Case No. 2:22-cv-00661-ART-NJK</p> <p style="text-align: center;">ORDER</p>
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This habeas corpus actions, pursuant to 28 U.S.C. § 2254, was initiated on April 21, 2022, by DeAndre D. Harris, who is incarcerated at Nevada’s High Desert State Prison. Harris’s habeas petition (ECF No. 1-1), received by the Court on April 21, has not been filed because the matter of payment of the filing fee has not been resolved.

Harris filed an application to proceed in forma pauperis on April 21, 2022 (ECF No. 1), but that application was incomplete because it did not include the required financial certificate (*see* LSR 1-2), and it was denied on that ground (ECF No. 3). The Court gave Harris 60 days to either pay the \$5 filing fee or file a new, complete application to proceed in forma pauperis.

On June 10, 2022, Harris filed a second application to proceed in forma pauperis (ECF No. 4). Attached to that application are financial certificates, signed by prison officers, dated April 21, 2022 (ECF No. 4 at 5) and March 24, 2022 (ECF No. 4 at 14). The Court notes that each of those financial certificates is out of date; LSR 1-2 requires that the financial certificate supporting an application to proceed in forma pauperis cover the six months prior to submission of the application. *See* LSR 1-2. Though out of date, the financial certificates submitted by Harris indicate that he is able to pay the \$5 filing fee. The Court will deny Harris’s in forma pauperis application on this ground.

IT IS THEREFORE ORDERED that Petitioner's Application to Proceed in Forma Pauperis (ECF No. 4) is **DENIED**. Harris will have 60 days to either pay the \$5 filing fee or file a new application to proceed in forma pauperis. If Harris does neither within this 60-day period, this action will be dismissed without prejudice.

Anne Russell Rine